

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-01-0030
)
Shamrock Trading, L.L.C.,)
)
Respondent) Decision Without Hearing
by Reason of Default

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Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (hereinafter referred to as the "Act" or "PACA"), instituted by a complaint filed on August 30, 2001, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The complaint alleges that during the period November 1999 through October 2000, Respondent Shamrock Trading, L.L.C., (hereinafter "Respondent") failed to make full payment promptly to 32 sellers of the agreed purchase prices in the total amount of \$ 1,068,064.74 for 274 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate and foreign commerce.

A copy of the complaint was served upon Respondent which Respondent has not answered. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further investigation or hearing pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent is a limited liability company organized and existing under the laws of the State of Washington. Its business address while operating was 1630 North Wenatchee Avenue, Suite 2, Wenatchee, Washington 98801. Its current address is c/o Mary T. Wynne, Trustee, P.O. Box 1218, Okanogan, Washington 98840-1218.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 981670 was issued to Respondent on July 27, 1998. This license terminated on July 27,

2001, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required renewal fee.

3. During the period November 1999 through October 2000, Respondent purchased, received, and accepted in interstate and foreign commerce, from 32 sellers, 274 lots of fruits and vegetables, all being perishable agricultural commodities, but failed to make full payment promptly of the agreed purchase prices, in the total amount of \$ 1, 068,064.74.

Conclusions

Respondent's failure to make full payment promptly with respect to the 274 transactions set forth in Finding of Fact No. 3 above, constitutes willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent has committed willful, flagrant and repeated violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), and the facts and circumstances of the violations set forth above shall be published.

This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 18th day of January, 2002

Donna A. Baker
Administrative Law Judge